

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE HEARN,

Plaintiff,

Case No. C24-1754-RAJ

V.

ORDER TO SHOW CAUSE

LAKE FOREST PARK MUNICIPAL
COURT, *et al.*,

Defendants.

Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled action. (Dkt. # 1.) In the IFP application, Plaintiff appears to list his net monthly salary as \$42,528, and an additional \$487.92 he has received in the last twelve months. (*Id.* at 1.) His monthly expenses are between \$1,450 and \$1,750. (*Id.* at 2.) Plaintiff has over \$1,000 in checking and savings accounts, and investments and retirement accounts worth over \$17,000. (*Id.*) Asked for any other information to explain why he cannot afford court fees and costs, Plaintiff states he works full time and relies on credit cards to keep up with essentials. (*Id.*)

The district court may permit indigent litigants to proceed IFP upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the

1 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523
2 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant
3 must show that he or she “cannot because of his [or her] poverty pay or give security for the
4 costs and still be able to provide him[or her]self and dependents with the necessities of life.”
5 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations
6 omitted).

7 The information in Plaintiff’s IFP application appears to indicate that he can afford to pay
8 the \$405 filing fee. Plaintiff should not, under these circumstances, be authorized to proceed IFP.

9 Accordingly, Plaintiff is ORDERED to show cause by **November 12, 2024**, why the
10 Court should not recommend his IFP application be denied. In the alternative, Plaintiff may file a
11 corrected IFP application by that date. The Clerk is directed to remote consideration of Plaintiff’s
12 IFP application (dkt. # 1) for November 12, 2024. The Clerk is further directed to send copies of
13 this order to Plaintiff and to the Honorable Richard A. Jones.

14 Dated this 28th day of October, 2024.

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16 MICHELLE L. PETERSON
17 United States Magistrate Judge
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